REMARKS

Claims 1-20, 22-26, 28, 30, 33, 34 and 37 are pending with claims 1, 33 and 37 being in independent form. Claims 1, 7, 11, 15, 22, 24, 33 and 37 have been amended. In view of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claim Objections

In the Office Action, claim 7 is objected to because the phrase "in accordance with claim 1" should be changed to – in accordance with claim 4 – to provide antecedent basis for the identity data. Applicant have amended claim 7 in a manner which is believed to obviate the objection. Accordingly, withdrawal of the objection is respectfully requested.

In the Office Action, claims 11 and 15 are objected to because the phrase "in accordance with claim 1" should be changed to – in accordance with claim 9 – to provide antecedent basis for the identity data. Applicant has amended claims 11 and 15 in a manner which is believed to obviate the objections. Accordingly, withdrawal of the objections is respectfully requested.

In the Office Action, claims 22 and 24 are objected to because the phrase "a's" should be changed to - the - as there is antecedent basis for every limitation in both claims. Applicant has amended claims 22 and 24 in a manner which is believed to obviate the objections. Accordingly, withdrawal of the objections is respectfully requested.

Claim Rejections under 103
Rejections based on Gallant in view of Linkola

Claims 1-17, 19-20, 22-25, 28, 30, 33, 34 and 37 and 33-34 are rejected under 35 U.S.C. §103(a) as being obvious over 5,802,468 to Gallant et al. ("Gallant") in view of U.S. Patent 6,708,033 to Linkola et al. ("Linkola").

Independent Claim 1 has been amended herein to better define Applicant's invention over the combination of Gallant and Linkola. It is respectfully submitted that Claim 1, as amended, now recites limitations and/or features which are not disclosed by Gallant and Linkola, alone and in any reasonable combination. That is, the cited portions of Gallant and Linkola do not anticipate claim 1, because the cited portions of Gallant and Linkola, individually or in combination, fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of Gallant and Linkola fail to disclose or suggest,

> *wherein said at least one subscriber territory is fixed by data including a location and the radius of a circle surrounding the location as a center, and*
> *wherein each module comprises a processor configured to determine whether a respective mobile device is located inside the at least one subscriber territory by checking whether the received coordinates of the at least one location area in which the mobile device is located falls into the at least one subscriber territory associated with the mobile device, wherein said checking step comprises:*
> *comparing received coordinates of the at least one location area in which the mobile device is located, which includes a location point defined by coordinates $X_{h\text{-}area}$, $Y_{h\text{-}area}$, with stored coordinates of the at least one subscriber territory including a subscriber location point defined by coordinates $X_{h\text{-}territory}$, $Y_{h\text{-}territory}$ and a radius $R_{h\text{-}territory}$ that fixes a circle around the subscriber location point, and*
> *wherein said stored coordinates are stored in a memory on the SIM module.*

The Office Action, on pages 4-5, concedes that Gallant does not teach where each module is configured to determine whether a respective mobile device is located inside the at least one subscriber territory and points to Linkola to cure the deficiency in Gallant. In the Office Action, it is asserted that Linkola teaches that each module includes a SIM card configured to determine whether a respective mobile device is located inside the at least

one subscriber territory. The Office directs the Applicant to lines 1-13 of the Abstract of Linkola. However, Applicant duly notes that the Abstract of Linkola merely discloses a SIM card within a mobile device where the SIM card comprises an evaluation part that **determines whether the location of a subscriber <u>has changed</u> within a network.** Accordingly, Applicant respectfully submits that Linkola does not cure the deficiency in Gallant. Linkola discloses that a SIM card includes an evaluation part, a location part and a subscriber connection exchange part. The duty of the location part is to determine the location of the mobile station in the network and to give location information to the evaluation part. The location information may be, e.g., location area identity, cell identity or switching centre area identity. The evaluation part merely checks to determine **whether the location information <u>has changed</u> compared with the earlier received location information.**

This feature of Linkola is more fully described and illustrated at Fig. 6 and col. 9, lines 50-62 of Linkola which discloses that, the evaluation part merely determines whether the location information **<u>has changed</u>** compared with the location information received earlier. The comparison performed in Linkola at col. 9, lines 50-62 is summarized as follows:

(1)   When the evaluation part has received the location information given by the location part, step 61, it will first check whether the location information <u>has changed</u> compared with the earlier location information.

(2)   It fetches earlier location information 611 from memory 64 and compares it with the information it has just received, step 64.

(3)   If the new location is identical with the old, the evaluation part will remain waiting for new location information from the location part. <u>If the location information **has changed, the evaluation part will store the new location information, step 65, in memory location 611, replacing the earlier information with it.**</u>

It is respectfully submitted that Linkola does not disclose comparing received coordinates $X_{h\text{-area}}$, $Y_{h\text{-area}}$, of the at least one location area defined by $X_{h\text{-territory}}$, $Y_{h\text{-territory}}$ and a radius $R_{h\text{-territory}}$ that fixes a circle around the location point, as recited in claim 1.

> *comparing received coordinates of the at least one location area in which the mobile device is located, which includes a location point defined by coordinates $X_{h\text{-area}}$, $Y_{h\text{-area}}$ with stored coordinates of the at least one subscriber territory including a location point defined by coordinates $X_{h\text{-territory}}$, $Y_{h\text{-territory}}$ and a radius $R_{h\text{-territory}}$ that fixes a circle around the location point, and*

Hence claim 1 is allowable and claims 2-10, 15-17, 19, 20, 23 and 28 are allowable, at least by virtue of their respective dependence from claim 1.

Independent Claim 33 and 37 recite similar subject matter as Claim 1 and therefore contains the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 33 and 37 are believed to contain patentable subject matter. Claim 34 is believed to be allowable, at least by virtue of its respective dependence from claim 33.

Rejections based on Gallant in view Linkola and further in view of Delorme

Claims 11-14, 22, 24, 25 and 30 are rejected under 35 U.S.C. §103 as being obvious over Gallant in view of Linkola and further in view of U.S. Patent Publication No. 2003/0182052 to DeLorme ("DeLorme").

1.   The combination of Gallant, Linkola and Delorme do not teach each and every element of independent claim 1.

As explained above, the cited portions of Gallant and Linkola do not disclose or suggest each and every element of claim 1 from which claims 11-14, 22, 24, 25 and 30 depend. Delorme does not disclose each of the elements of claim 1 that are not disclosed by Gallant and Linkola. For example, the cited portions of Delorme fail to disclose or suggest,

> *wherein said at least one subscriber territory is fixed by data including a location and the radius of a circle surrounding the location as a center, and*
>
> *wherein each module comprises a processor configured to determine whether a respective mobile device is located inside the at least one subscriber territory by checking whether the received coordinates of the at least one location area in which the mobile device is located falls into the at least one subscriber territory associated with the mobile device, wherein said checking step comprises:*
>
> *comparing received coordinates of the at least one location area in which the mobile device is located, which includes a location point defined by coordinates $X_{h\text{-}area}$, $Y_{h\text{-}area}$, with stored coordinates of the at least one subscriber territory including a subscriber location point defined by coordinates $X_{h\text{-}territory}$, $Y_{h\text{-}territory}$ and a radius $R_{h\text{-}territory}$ that fixes a circle around the subscriber location point, and*
>
> *wherein said stored coordinates are stored in a memory on the SIM module.*

Thus, the cited portions of Gallant, Linkola and Delorme, individually or in combination, do not disclose or suggest at least one element of claim 1.

Hence claim 1 is allowable and claims 11-14, 22, 24, 25 and 30 are allowable, at least by virtue of their respective dependence from claim 1.

There is no valid motivation to combine Gallant and Delorme

Applicants further respectfully assert that one with ordinary skill in the art would not be motivated to modify Gallant in view of Delorme as suggested in the Office Action. Delorme is directed to an integrated Routing/Mapping information system for travel planning, guidance, and recording travel locations and paths. Delorme does not disclose the use of mobile devices with telephone functionality. Neither does Delorme describe a mobile device which can be integrated or connected to a system offering mobile radio telephony services. Instead, Delorme describes in the Abstract, an Integrated Routing/Mapping Information System (IRMIS) that links desktop personal computer cartographic applications to one or more handheld organizer, personal digital assistant (PDA) or "palmtop" device. For example, regarding claim 12, the Office asserts that Delorme teaches the coordinates of the location and the radius are stored in the module. However, the module referred to in Delorme is not a module that is integrated into a telephony application. Instead, it is a module of a desktop computer and/or PDA display. Hence, independent Claims 1, 33 and 37 are allowable for at least the reasons stated above.

Rejections based on Gallant in view of Linkola and further in view of Sambin

Claims 18 and 26 are rejected under 35 U.S.C. §103 as being obvious over Gallant in view of Linkola and further in view of U.S. Patent 7,110,776 to Sambin ("Sambin").

As explained above, the cited portions of Gallant and Linkola do not disclose or suggest each and every element of claim 1 from which claims 18 and 26 depend. Sambin does not disclose each of the elements of claim 1 that are not disclosed by Gallant and Linkola. For example, the cited portions of Sambin fail to disclose or suggest

wherein said at least one subscriber territory is fixed by data including a
location and the radius of a circle surrounding the location as a center, and

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wherein each module comprises a processor configured to determine whether a respective mobile device is located inside the at least one subscriber territory by checking whether the received coordinates of the at least one location area in which the mobile device is located falls into the at least one subscriber territory associated with the mobile device, wherein said checking step comprises:

comparing received coordinates of the at least one location area in which the mobile device is located, which includes a location point defined by coordinates $X_{h\text{-}area}$, $Y_{h\text{-}area}$ with stored coordinates of the at least one subscriber territory including a subscriber location point defined by coordinates $X_{h\text{-}territory}$, $Y_{h\text{-}territory}$ and a radius $R_{h\text{-}territory}$ that fixes a circle around the subscriber location point, and

wherein said stored coordinates are stored in a memory on the SIM module.

Thus, the cited portions of Gallant, Linkola and Sambin, individually or in combination, do not disclose or suggest at least one element of claim 1.

Hence claim 1 is allowable and claims 18 and 26 are allowable, at least by virtue of their respective dependence from claim 1.

Rejections based on Gallant in view of Linkola and further in view of Sambin

I.   **Claim 26 is rejected under 35 U.S.C. §103 as being obvious over Gallant in view of Linkola and further in view of DeLorme and further in view of Sambin.**

As explained above, the cited portions of Gallant and Linkola do not disclose or suggest each and every element of claim 1 from which claims 18 and 26 depend. Sambin does not disclose each of the elements of claim 1 that are not disclosed by Gallant and Linkola. For example, the cited portions of Sambin fail to disclose or suggest

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wherein said at least one subscriber territory is fixed by data including a location and the radius of a circle surrounding the location as a center, and

wherein each module comprises a processor configured to determine whether a respective mobile device is located inside the at least one subscriber territory by checking whether the received coordinates of the at least one location area in which the mobile device is located falls into the at least one subscriber territory associated with the mobile device, wherein said checking step comprises:

comparing received coordinates of the at least one location area in which the mobile device is located, which includes a location point defined by coordinates $X_{h\text{-}area}$, $Y_{h\text{-}area}$, with stored coordinates of the at least one subscriber territory including a subscriber location point defined by coordinates $X_{h\text{-}territory}$, $Y_{h\text{-}territory}$ and a radius $R_{h\text{-}territory}$ that fixes a circle around the subscriber location point, and

wherein said stored coordinates are stored in a memory on the SIM module.

Thus, the cited portions of Gallant, Linkola and Sambin, individually or in combination, do not disclose or suggest at least one element of claim 1.

Hence claim 1 is allowable and claims 18 and 26 are allowable, at least by virtue of their respective dependence from claim 1.
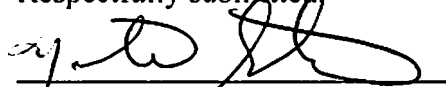
Conclusion

Therefore, it is asserted that independent claims 1, 33 and 37 are patentable over the cited prior art. Claims 2-20, 22-26, 28, 30 and 34 include the above referenced limitations of independent claims 1 and 33 respectively, and include additional limitations which, when combined with the limitations of claims 1 and 33 are also neither shown nor suggested in the art of record. It is asserted that these claims are patentable as well.

Reconsideration of the rejections of claims 1-20, 22-26, 28, 30, 33, 34 and 37 under 35 U.S.C. §103 is respectfully requested in light of the remarks above.

A petition for a three month extension of time for response under 37 C.F.R. §1.136(a) is enclosed together with the requisite fee.

Respectfully submitted,

Michael Scaturro
Reg. No. 51,356
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
1000 Woodbury Road, Suite 405
Woodbury, New York 11797
Telephone: 516-228-8484
Facsimile: 516-228-8516